

1520.05 Unfair Labor Practice Actions

Issued January 1, 1994

SUBJECT: Unfair Labor Practice Actions.

APPLICATION: Executive Branch Departments and Sub-units.

PURPOSE: To provide a mechanism to ensure that departments are represented when charges of Unfair Labor Practices are filed against them.

CONTACT AGENCY: Department of Management and Budget (DMB) - Office of the State Employer (OSE).

TELEPHONE: 517/373-7400

FAX: 517/373-3771

SUMMARY: This section specifies the procedure by which departments are provided representation when charges of unfair labor practices are brought against them.

APPLICABLE FORMS: None.

PROCEDURES:

Charged Department (Respondent):

- Receives a copy of the charge from the Civil Service Hearings Division. Civil Service Commission Rules require the "charging party" to file the charge with the State Personnel Director, and simultaneously to serve a copy on the charged party. If the charging party fails to serve the department with a copy of the charge, that fact must be communicated to OSE, as it can serve as grounds for eventual dismissal of the charges.

OSE:

- Prepares and transmits Appearance Letter to charging party, respondent and hearing officer.
- Prepares and sends Request for Investigation to Respondent.

Respondent:

- Assigns an individual to gather information about the charge and to serve as a contact person for all aspects of defending the department from the charge. This person should have the authority to settle or compromise the charge on behalf of the department, if settlement or compromise would be in the best interests of the State as determined by OSE.
 - Attends all pre-hearings and hearings, as requested by the OSE representative.
- Also is responsible for ensuring attendance of requested witnesses, on behalf of both the respondent and the charging party, as directed by the OSE representative.

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